UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/748
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 96

CRIME PREVENTION AND CRIMINAL JUSTICE

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the members of the General Assembly the report of the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, from 21 to 23 November 1994, pursuant to General Assembly resolution 48/103 of 20 December 1993.

94-47872 (E) 061294

07/12/94

/...

Annex

REPORT OF THE WORLD MINISTERIAL CONFERENCE ON ORGANIZED TRANSNATIONAL CRIME

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 2	4
I.	RECOMMENDATIONS		4
	A. Draft resolution recommended for adoption by the General Assembly		4
	Naples Political Declaration and Global Action Plan against Organized Transnational Crime		5
	B. Other resolutions adopted by the World Ministerial Conference		15
	Establishment of an international task force		15
II.	ORGANIZATION OF THE WORLD MINISTERIAL CONFERENCE	3 - 27	16
	A. Date and venue of the World Ministerial Conference	3	16
	B. Attendance	4 - 10	16
	C. Opening of the World Ministerial Conference	11 - 20	18
	D. Election of the President and other officers	21 - 24	20
	E. Adoption of the agenda and organization of work	25 - 26	21
	F. Documentation	27	22
III.	GENERAL DEBATE	28 - 63	22
IV.	ACTION TAKEN BY THE WORLD MINISTERIAL CONFERENCE	64 - 68	32
	A. Naples Political Declaration and Global Action Plan against Organized Transnational Crime	64 - 66	32
	B. Establishment of an international task force	67 - 68	32
V.	ADOPTION OF THE REPORT OF THE WORLD MINISTERIAL CONFERENCE	69	33
VI.	CLOSURE OF THE WORLD MINISTERIAL CONFERENCE	70 - 72	33

CONTENTS (continued)

Page

Appendix

LIST OF DOCUMENTS BEFORE THE WORLD MINISTERIAL CONFERENCE ON ORGANIZED TRANSNATIONAL CRIME 34

INTRODUCTION

1. The World Ministerial Conference on Organized Transnational Crime was convened in accordance with Economic and Social Council resolution 1993/29 of 27 July 1993, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its second session. In its resolution 48/103 of 20 December 1993, the General Assembly, inter alia, expressed its support for the World Ministerial Conference and called upon Member States to be represented at the Conference at the highest possible level. It also requested the Secretary-General to submit the conclusions and recommendations of the World Ministerial Conference to the General Assembly at its forty-ninth session.

2. On the recommendation of the Commission at its second session, the Economic and Social Council adopted resolution 1993/30 of 27 July 1993, in which it welcomed the initiative of the Government of Italy and the International Scientific and Professional Advisory Council in organizing, under the auspices of the Crime Prevention and Criminal Justice Branch of the Secretariat, an international conference on preventing and controlling money-laundering and the use of the proceeds of crime. On the recommendation of the Commission at its third session, the Council adopted resolution 1994/12 of 25 July 1994, in which it commended the work done by the Coordination Committee established by the Government of Italy in preparation for the World Ministerial Conference and reiterated its request to all States to be represented at that Conference at the highest possible level. The Council also recommended that the World Ministerial Conference take into consideration the conclusions and recommendations of the Courmayeur International Conference on Preventing and Controlling Money Laundering and the Use of the Proceeds of Crime: a Global Approach. Further, the Council took note of the document annexed to that resolution, which was to be used as a basis for the substantive discussion of the World Ministerial Conference, requesting the Secretary-General to submit background documents to the Conference. The Government of Italy, in cooperation with the Giovanni and Francesca Falcone Foundation, organized at Palermo, from 10 to 12 October 1994, an informal preparatory meeting for the World Ministerial Conference.

I. RECOMMENDATIONS

A. Draft resolution recommended for adoption by the General Assembly

The World Ministerial Conference on Organized Transnational Crime

Recommends to the General Assembly at its forty-ninth session the adoption of the following draft resolution:

"Naples Political Declaration and Global Action Plan against Organized Transnational Crime

"The General Assembly,

"Alarmed by the rapid growth and geographical extension of organized crime in its various forms, both nationally and internationally, undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms,

"Recognizing that the growing threat of organized crime, with its highly destabilizing and corrupting influence on fundamental social, economic and political institutions, represents a challenge demanding increased and more effective international cooperation,

"Recalling General Assembly resolutions 44/71 of 8 December 1989, 45/121 and 45/123 of 14 December 1990, 47/87 of 16 December 1992 and 48/103 of 20 December 1993 and Economic and Social Council resolutions 1992/22 and 1992/23 of 30 July 1992, 1993/29 and 1993/30 of 27 July 1993 and 1994/12 and 1994/13 of 25 July 1994,

"Recalling in particular its resolution 46/152, in which it approved the statement of principles and programme of action on the creation of an effective United Nations crime prevention and criminal justice programme, contained in the annex to that resolution,

"Acknowledging with appreciation the work of the World Ministerial Conference on Organized Transnational Crime, held at Naples from 21 to 23 November 1994,

"Acknowledging with appreciation also the work of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994, organized by the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme and the Government of Italy, under the auspices of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna,

"Noting regional initiatives in this field, such as the Conference on Drugs and Organized Crime, between the countries of the European Union and the countries of Central and Eastern Europe, as reflected in the Berlin Declaration of 8 September 1994, the fifteenth Summit of Central American Presidents, held at Guácimo, Limón, Costa Rica, from 18 to 20 August 1994, the SAARC Convention on Narcotic Drugs and Psychotropic Substances, as well as the Declaration of the 16th Plenary Session of the CICAD/OAS held at Santiago de Chile in October 1994,

"Recognizing that organized transnational crime is a major concern of all countries and that it calls for a concerted response from the international community,

"Emphasizing the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

"1. Expresses its appreciation to the Government of Italy for acting as host to the World Ministerial Conference on Organized Transnational Crime;

"2. Takes note with appreciation of the conclusions and recommendations of the World Ministerial Conference on Organized Transnational Crime;

"3. Approves the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, annexed to the present resolution, and urges States to implement them as a matter of urgency;

"4. Requests the Secretary-General to transmit the Naples Political Declaration and Global Action Plan against Organized Transnational Crime to the Commission on Crime Prevention and Criminal Justice for appropriate action, while recommending a higher level of priority for the United Nations crime prevention and criminal justice programme within the framework of the United Nations;

"5. Urges all entities of the United Nations system, including the regional commissions and the specialized agencies, and the relevant intergovernmental and non-governmental agencies to extend to the United Nations crime prevention and criminal justice programme their full support in fulfilling its tasks;

"6. Invites Governments to contribute to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the programme to respond to the most urgent needs of States in the field of the prevention and control of organized transnational crime;

"7. Resolves to take decisions at its fiftieth session on the allocation of adequate resources to the United Nations crime prevention and criminal justice programme on the basis of proposals for the modification of the programme to be submitted by the Secretary-General, taking into account the responsibilities entrusted to the United Nations pursuant to the Naples Political Declaration and Global Plan of Action against Organized Transnational Crime;

"8. Requests the Commission on Crime Prevention and Criminal Justice to keep the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime under regular review;

"9. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

"Annex

"NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME

"We, heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Governments,

"Convened at Naples for the first time in history, on the eve of the fiftieth anniversary of the United Nations, to consider ways and means of strengthening and improving national capabilities and international cooperation against organized transnational crime and of laying the foundations for concerted and effective global action against organized transnational crime and the prevention of its further expansion,

"Deeply concerned about the dramatic growth of organized crime over the past decade and about its global reach, which constitute a threat to the internal security and stability of sovereign States,

"Alarmed by the high cost of organized transnational crime in both human and material terms, as well as by its effects on national economies, the global financial system, and the rule of law and fundamental social values,

"Aware of the needs of many countries, particularly developing countries and countries in transition, seeking to modernize and render more functional their criminal justice systems in order to raise the level of their response to organized transnational crime,

"Convinced of the urgent need for more effective international mechanisms to assist States and to facilitate the implementation of joint strategies for the prevention of and to combat organized transnational crime, and the further need to strengthen the role of the United Nations as a focal point in that field,

"Reaffirming the responsibility vested in the United Nations in crime prevention and criminal justice and recognizing the need to strengthen its role in the development of a comprehensive programme of action to prevent and control organized transnational crime,

"Aware of the differences that still exist among countries in their understanding and evaluation of the phenomenon and, consequently, in their choice of policies to fight against organized crime,

"Proclaim our political will and strong determination, as well as our unequivocal commitment to ensure full and expeditious implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime.

"I. POLITICAL DECLARATION

"1. We resolve to protect our societies from organized crime in all its forms through strict and effective legislative measures and operational instruments, always consistent with internationally recognized human rights and fundamental freedoms.

"2. We are determined to join forces and fight together against the expansion and diversification of organized transnational crime, and we note with grave concern links between organized transnational crime and terrorist crimes. Notwithstanding recent successes, we realize that coordinated strategies and other forms of international cooperation should be further developed.

"3. We will direct particular efforts towards defeating the social and economic power of criminal organizations and their ability to infiltrate legitimate economies, to launder their criminal proceeds and to use violence and terror.

"4. We affirm that the fight against organized transnational crime should be accorded high priority by States, by all relevant global and regional organizations, with the necessary support of the general public, the media, business, institutions and non-governmental organizations.

"5. While acknowledging the global implications of organized crime, we recognize that prevention and control must necessarily vary from State to State and region to region and be based upon improvements in national capabilities, increased knowledge and shared experiences about organized criminal groups.

"6. We note with concern that organized transnational crime threatens the social and economic growth of developing countries and countries in transition and their institutions. The international community should assist these countries in their efforts to enable their criminal justice institutions to adequately prevent and combat organized crime, with due respect for international human rights and fundamental freedoms.

"7. We express our satisfaction at the establishment of the Commission on Crime Prevention and Criminal Justice. We strongly recommend that continued priority attention be accorded to strengthening international cooperation against organized transnational crime in the United Nations crime prevention and criminal justice programme, while acknowledging that limited resources place constraints upon implementation of its mandates. We urge the Secretary-General to allocate adequate financial and human resources for the United Nations activities in the fight against organized transnational crime, bearing in mind the scope of its responsibilities.

"8. We urge States which have not become parties to the very important United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to do so without delay. All States are urged to fully implement this and other relevant existing

agreements and to develop, when necessary, instruments dealing with the broad range of organized transnational crimes extending beyond drug trafficking.

"9. We wish to strengthen and enhance, whenever possible, the capability of States, as well as of the United Nations and other relevant global and regional organizations, to achieve more effective international cooperation against the threats posed by organized transnational crime, particularly in relation to:

"(a) Closer alignment of legislative texts concerning organized crime;

"(b) Strengthening international cooperation at the investigative, prosecutorial and judicial levels in operational matters;

"(c) Establishing modalities and basic principles for international cooperation at the regional and global levels;

"(d) Elaboration of international agreements on organized transnational crime;

"(e) Measures and strategies to prevent and combat money-laundering and to control the use of the proceeds of crime.

"10. We attach particular importance and the highest priority to the implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime and, to this effect, we shall strive to improve financial and other assistance for programmes in developing countries and countries in transition and to mobilize funds from overall official development assistance and other official sources for programmes addressed to the fight against organized crime; and we call upon the Commission on Crime Prevention and Criminal Justice to keep under regular review the activities outlined herein.

"II. GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME

"A. Problems and dangers posed by organized transnational crime

"11. The international community should adopt a generally agreed concept of organized crime as a basis for more compatible national responses and more effective international cooperation.

"12. To effectively combat organized crime, States should take its structural characteristics and modus operandi into account in devising strategies, policies, legislation and other measures. While not constituting a legal or comprehensive definition of the phenomenon, the following qualities are characteristic: group organization to commit crime; hierarchical links or personal relationships which permit leaders to control the group: violence, intimidation and corruption used to earn

profits or control territories or markets; laundering of illicit proceeds both in furtherance of criminal activity and to infiltrate the legitimate economy; the potential for expansion into any new activities and beyond national borders; and cooperation with other organized transnational criminal groups.

"13. To recognize and intelligently prevent and combat organized transnational criminal activities, the international community should increase its knowledge of criminal organizations and their dynamics. States should collect, analyse and disseminate reliable statistics and information on the phenomenon.

"B. National legislation dealing with organized transnational crime and guidelines for legislative and other measures

"14. The experience of those States which have confronted organized crime and the intelligence derived from the study and analysis of its structures and criminal activities should be examined by every State for useful guiding principles concerning what substantive, procedural and regulatory legislation and organizational structures are necessary to prevent and combat the phenomenon.

"15. Substantive legislation penalizing participation in criminal associations or conspiracies and imposing criminal liability on corporate bodies should be considered by States, when necessary, as a means of strengthening capabilities to combat organized crime domestically and improving cooperation internationally.

"16. States should ensure that they possess structures and capabilities throughout their entire criminal justice system adequate to deal with complex organized criminal activities, including safeguards against corruption, intimidation and violence.

"17. In order to effectively combat organized crime, States must overcome its code of silence and intimidation. Reliable evidence-gathering techniques, such as electronic surveillance, undercover operations and controlled delivery, should be considered when so contemplated in national law and when administered with full respect for internationally recognized human rights and fundamental freedoms, in particular the right of privacy, and subject to judicial approval or supervision as appropriate. Measures which encourage the cooperation and testimony of members of organized crime should be considered, including adequate protection programmes for witnesses and their families and - within the limits of national law - the concession of treatment recognizing the collaboration provided by them in the prosecutive process.

"18. The regulatory measures detailed in section F, below, dealing with money-laundering and the proceeds of crime, and other administrative law mechanisms to reinforce transparency and integrity in business and

government, should be considered preventive measures of equal importance with penal law means of combating organized crime.

"19. States should endeavour, when warranted, to establish and equip special investigative units with expertise in the structural characteristics and methods of operation of organized criminal groups. States should also endeavour to provide those units with the necessary training and resources to concentrate on intelligence collection and analysis concerning organized transnational crime.

"20. States should develop educational programmes to create a culture of morality and legality and should implement measures to raise public awareness regarding the effects of organized crime, enlisting the support of the public, the news media and the private sector for national and international efforts against organized crime.

"21. States should give consideration to providing proper restitution or compensation to the victims of organized crime, taking into account the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985.

"22. The United Nations and other relevant global and regional organizations should, when necessary, develop practical models of and practical guidelines for substantive and procedural legislation, using as a basis the experience and expertise of States and drawing on contributions from relevant organizations. The United Nations and these organizations should also assist States upon request in reviewing and evaluating their legislation and in planning and undertaking reforms, taking into account existing practices and cultural, legal and social traditions.

"C. International cooperation at the investigative, prosecutorial and judicial levels

"23. The ability of organized transnational crime to shift its activities from country to country and to widen the magnitude of its activities as new opportunities arise requires that States ensure that they have in place the basic components of a functional system of international cooperation.

"24. Because the lack of relevant cooperative arrangements critically hinders effective mutual efforts, States should, when warranted, develop and improve bilateral and multilateral assistance. In this context, reliance on and more widespread promotion of 'model' treaties and relevant regional instruments should be pursued.

"25. States should endeavour to implement fully existing bilateral and multilateral conventions and agreements concerning extradition, to ensure that all provisions are respected and to ensure effective implementation of requests for mutual legal assistance.

"26. States should improve the practical application of existing agreements through informal and operational mechanisms, for example, the exchange of manuals explaining national procedures, the designation of 'central authorities' for mutual legal assistance or 'contact points' to expedite requests, the formation of joint task forces, the identification of 'best practice' investigative techniques, and the sharing of advanced investigative technology.

"27. States should encourage the development of a basic intelligence-gathering capability, while respecting individual human rights and fundamental freedoms, with arrangements such as liaison officers to facilitate the collection and dissemination of intelligence to other States, as well as other forms of cooperation.

"D. Modalities and guidelines for international cooperation at the regional and international levels

"28. Acknowledging the importance of regional approaches, States should take measures to prevent organized criminal groups operating in a particular region from extending their activities further, and should continue to promote regional strategies.

"29. States should strengthen technical cooperation activities designed to assist developing countries and countries in transition, upon request, in enhancing the capability of their law enforcement and judicial systems.

"30. States should ensure that bilateral and multilateral technical cooperation activities are appropriately coordinated to avoid overlapping or duplication of efforts.

"31. The United Nations should, upon request, provide and facilitate the provision of technical cooperation including the systematic exchange of experiences and expertise, the appropriate training of police and judicial staff, as well as the use of effective countermeasures. The following areas appear to be of particular importance:

"(a) Drafting legislation for those countries whose penal systems do not yet encompass the fight against organized crime;

"(b) Providing special training courses for police staff, prosecutors, judges and magistrates and all those officials who provide technical expertise to investigative bodies;

"(c) Gathering, analysing and exchanging information on criminal organizations and related activities, taking into account the work of other relevant intergovernmental organizations.

"E. Feasibility of international instruments, including conventions, against organized transnational crime

"32. States should consider the further development of international instruments, drawing on the positive experience and results achieved by the elaboration and implementation of existing broad-based bilateral or multilateral agreements. The development of such international instruments would promote closer alignment or compatibility of national legislation with regard to the criminalization of organized transnational crime, the adoption of more effective criminal justice measures and the greater use of mutual assistance and extradition.

"33. States should in particular consider the practical aspects of establishing more effective tools and instruments, such as models of technical agreements, manuals for police and judicial cooperation, methods for the regular flow of information and other communications, as well as databases for storing and updating information. Such instruments might be introduced as memoranda of understanding similar to those already concluded by some States in the field of international drug trafficking.

"34. With respect to the opportunity of elaborating international instruments, such as a convention or conventions against organized transnational crime, the World Ministerial Conference on Organized Transnational Crime requests the Commission on Crime Prevention and Criminal Justice to initiate the process of requesting the views of Governments on the impact of such a convention or conventions and on the issues that could be covered therein.

"F. Prevention and control of money-laundering and control of the proceeds of crime

"35. States should ensure that the fight against organized transnational crime should be based on strategies aimed at defeating the economic power of criminal organizations, which should involve both criminal law measures, in particular appropriate sanctioning and sentencing, and adequate regulatory mechanisms.

"36. States should consider the need to make it a criminal offence to launder the proceeds of criminal activities, in order to address the accumulation by organized criminal groups of large amounts of capital, and the resulting need of those groups to have their profits laundered and invested in legitimate business.

"37. States should consider the adoption of preventive measures ensuring a clear identification of position of owners of companies and accurate information on acquisitions and transfers, high ethical standards in public administration, the business sector, financial institutions and relevant professions, as well as cooperation between the authorities in charge of regulating financial and economic sectors and those applying penal laws.

"38. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds, asset forfeiture, as required, and the availability of provisional arrangements, such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. Subject to the basic principles of their legal systems, States should also consider the possibility of sharing forfeited assets and - under specific conditions and always through judicial or other legal proceedings - of confiscating or seizing illicit proceeds without a criminal conviction, or confiscating or seizing sums that are higher than those relating to the crime for which judgement has been passed.

"39. States should consider the adoption of legislative and regulatory measures that will limit financial secrecy in order to promote effective money-laundering control and international cooperation. These measures should also include obligations for the application of the 'know your customer' rule, as well as for the identification and reporting of suspicious financial transactions, while fully protecting representatives of financial institutions from any liability for good-faith reporting of such transactions, except in cases of gross negligence. In addition, States should accord high priority to measures designed to prevent the displacement of money-laundering activity from tightly supervised banks to non-supervised businesses and professions which offer financial services. For this purpose, States should endeavour to undertake research and studies to identify those businesses which may serve as money-launderers and to determine the feasibility of extending reporting and other requirements to possible areas other than banking and financial institutions.

"40. The United Nations and other international global and regional organizations and mechanisms, such as the Financial Action Task Force, the International Criminal Police Organization, the Inter-American Drug Control Commission (CICAD) of the Organization of American States, the Council of Europe, the European Union, the Arab Interior Ministers' Council and the Commonwealth Secretariat, which have played an active role in combating money-laundering, should join their efforts to reinforce common regulatory and enforcement strategies in that area.

."41. The United Nations should assist States in needs assessment, treaty development and development of criminal justice infrastructures and human resources by providing technical assistance to countries on request, using the expertise and cooperation of all its institutes and other relevant agencies, including the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme, which organized the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach.

"G. Follow-up and implementation

"42. States should take necessary measures, in accordance with the Global Action Plan against Organized Transnational Crime, to translate it into practice to the widest possible extent at the national, regional and international levels.

"43. The United Nations, through its Commission on Crime Prevention and Criminal Justice and its institutes and other relevant agencies, should assist State efforts against organized crime by needs assessments and regular review of the progress in implementing the Political Declaration and Global Action Plan, in accordance with the priorities of its programme of work, by assisting in the specific actions recommended above, and by technical cooperation.

"44. The Commission on Crime Prevention and Criminal Justice should regularly review progress in the implementation of the Global Action Plan against Organized Transnational Crime, in accordance with the priorities of its programme of work.

"45. To enable the United Nations crime prevention and criminal justice programme to support intensification of efforts at the national level and increased intergovernmental cooperation, and to carry out its important responsibilities, existing resources are not sufficient. A higher priority should be accorded to the United Nations crime control activities by allocating adequate resources in the medium-term plan for 1992-1997 and in the corresponding biennial budgets, and by States increasing voluntary contributions to the programme, thus strengthening the United Nations crime control structure, increasing its efficiency."

B. Other resolutions adopted by the World Ministerial Conference

Establishment of an international task force

We, heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Government,

Convened at Naples for the first time in history, on the eve of the fiftieth anniversary of the United Nations, to consider ways and means of strengthening and improving national capabilities and international cooperation against organized transnational crime and of laying the foundations for concerted and effective global action against organized transnational crime and the prevention of its further expansion,

Taking note of the adoption of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and in particular of the urgency of the implementation of the measures contained therein,

1. Express our appreciation for the proposals of the Government of Italy to organize and host at no cost to the United Nations an international task force, drawing on the expertise of representatives of Member States and in consultation with the United Nations crime prevention and criminal justice programme, for the elaboration of proposals on the feasibility of establishing an international training centre for law enforcement and criminal justice personnel;

2. Take into account the offer of the Italian Government to act as host of the centre and to provide the organizational and functional resources;

3. Invite the Government of Italy to submit the results of the task force's work to the Commission on Crime Prevention and Criminal Justice at its next session.

II. ORGANIZATION OF THE WORLD MINISTERIAL CONFERENCE

A. Date and venue of the World Ministerial Conference

3. The World Ministerial Conference on Organized Transnational Crime was held at Naples, Italy, from 21 to 23 November 1994, pursuant to Economic and Social Council resolutions 1993/29 of 27 July 1993 and 1994/12 of 25 July 1994 and General Assembly resolution 48/103 of 20 December 1993.

B. Attendance

4. The following Member States were represented at the World Ministerial Conference: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

5. The following States were also represented at the World Ministerial Conference: Holy See and Switzerland.

6. The following United Nations offices and organs were represented by observers: Executive Office of the Secretary-General, Economic and Social Commission for Western Asia, United Nations Office at Vienna, United Nations International Drug Control Programme and Office of the United Nations High Commissioner for Refugees.

7. The following institutes were represented: United Nations Interregional Crime and Justice Research Institute, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, Arab Security Studies and Training Centre, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council and International Institute of Higher Studies in Criminal Sciences.

8. The following intergovernmental organizations were represented by observers: Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of Europe, Council of European Union, European Commission, Economic Community of West African States, Europol, International Criminal Police Organization, League of Arab States, Organisation for Economic Cooperation and Development and Parlamiento Latinoamericano.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Category I: Muslim World League;

Category II: Arab Lawyers Union, Asia Crime Prevention Foundation, Association for the Study of the World Refugee Problem, Centro Nazionale di Prevenzione e Difesa Sociale, International Association of Judges, International Bar Association, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Council on Alcohol and Addictions, International Federation of Human Rights, International Fellowship of Reconciliation, International Society for Criminology, International Society of Social Defense, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Jurist Association of the World Peace through Law Center and World Society of Victimology.

10. The following other organizations were represented by observers: European Foundation of Employees in Public Service - International Federation of Employees in Public Service, Giovanni and Francesca Falcone Foundation, International Association for Christian Action, International Penal and Penitentiary Foundation, Society for the Reform of Criminal Law and Unione delle Camere Penali Italiane. The list of participants is contained in document E/CONF.88/INF.2/Rev.1.

C. Opening of the World Ministerial Conference

11. The World Ministerial Conference was officially opened by the Secretary-General of the United Nations, who extended his sincere thanks to the Italian Government for generously acting as host to the Conference. He noted that through the World Ministerial Conference, the international community as a whole wished to demonstrate its firm resolve to stand fast against transnational crime and to preserve the fundamental values proclaimed in the Charter of the United Nations. Transnational crime was spreading throughout all the regions of the world. In rich and poor countries, in industrialized and developing countries, criminals were engaged in diversified and widespread activities that violated the elementary rules of law.

12. The Secretary-General noted that traditionally organized crime tended to be based on local and regional structures. With the new permeability of frontiers, markets had developed in many parts of the world without a State and without the rule of law. Criminal organizations were making profits in different countries, transferring them across borders using new technology, penetrating national economies, thereby becoming "crime multinationals". Moreover, the decline of traditional institutions in many countries had encouraged illicit trafficking of all kinds, leaving whole populations with no defence against international crime. Even within developed countries, the unravelling of their social fabric, the marginalization of certain social groups, and the erosion of moral values had led to the unprecedented development of organized transnational crime. The Secretary-General noted that transnational crime undermined the foundations of international democratic order by poisoning the business climate, corrupting political leaders and undermining human rights and public institutions. He stressed that when States decided to take effective voluntary steps to combat transnational crime, and to cooperate with each other, legitimate society regained its power.

13. The Secretary-General stated that it was within the framework of the United Nations that inter-State cooperation had made the most progress. The Member States participating in the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles in 1991, had proclaimed their commitment to a statement of principles that was adopted by the General Assembly that same year. The Commission on Crime Prevention and Criminal Justice, following its establishment by the Economic and Social Council in 1992, had created an essential framework for mobilizing inter-State cooperation to combat transnational crime in accordance with those principles. Through the Commission, the United Nations was, among other things, analysing the most recent forms of transnational crime and thinking of possible ways to combat them at the international level. It was important to precisely define the concept of organized transnational crime in order to devise more effective legal measures to combat it.

14. The Secretary-General noted, however, that a great deal remained to be done at the operational level, in implementing common approaches to combating transnational crime, both with respect to legal instruments and on a practical level. For example, States could share relevant information, provide legal and technical assistance to countries in need, enter into agreements such as extradition treaties, and coordinate and harmonize national legislation. There

was no binding international legal instrument that dealt with organized crime. Some progress had been made by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana in 1990, which had approved four model treaties, including one on extradition and one on mutual assistance in criminal matters, which were later adopted by the General Assembly in its resolutions 45/116 and 45/117 of 14 December 1990. A convention on transnational crime could be one of the ways to strengthen the legal instruments available to the international community in that area.

15. The Secretary-General stressed that United Nations activities to control organized crime should be conceived in the broadest possible terms, strengthening economic and social development and encouraging democratic institutions and practices. Economies in crises or those in a delicate period of transition required assistance from the international community to combat the dangers of crime. In that way, United Nations activities promoting peace, development and respect for human rights were closely linked. The World Ministerial Conference provided an opportunity for Member States to reaffirm their commitment to ensuring that the rule of law triumphed over the law of the jungle.

16. The President of Italy, Mr. Oscar Luigi Scalfaro, welcomed the participants to the World Ministerial Conference. He reminded the participants that the idea of convening such a conference was that of the late Giovanni Falcone, who had lost his life in the fight against organized crime. Many other judges, police officers and other criminal justice officers had also been killed in the line of duty.

17. Mr. Scalfaro stated that every individual had a right to security and that that right was being threatened by organized crime. A person who felt unsafe was a person whose dignity was being eroded. Economic greed, together with a desire for power, characterized transnational organized crime and the risk it posed to society. That form of crime should be perceived as a problem by all States and not only by those more directly affected by it. He said that, in order to fight organized crime, States must not become lost in questions of national pride but should demonstrate a political will to cooperate. The best weapons against organized transnational crime were cooperation and collaboration among all States, as well as better systems for the exchange of relevant information.

18. Mr. Scalfaro invited the participants to always be clear about the principles to be defended. The commitments to be taken by all States touched upon three main areas: crime prevention, prosecution and execution of sentences. Only those States setting a good example in terms of respect for human rights in all three areas could expect to be successful in the fight against organized crime. Among the root causes of organized transnational crime were poverty, civil strife, war and social injustice. Social inequality was being cited as a possible justification for criminal behaviour, which, in turn, hampered political and economic stability. Mr. Scalfaro concluded by reminding all participants of the high sense of responsibility needed in the battle against organized transnational crime.

19. The President of Cyprus, Mr. Glafcos Clerides, also addressed the World Ministerial Conference. He said that organized crime had taken on alarming dimensions. Drug-related crime, white-collar crime and money-laundering were also expanding and the fear of terrorist activity had never ceased. He emphasized the need for practical action in combating organized transnational crime. That action, programmed by the Commission on Crime Prevention and Criminal Justice, must match the dimensions organized crime had reached in the past few years. He noted that, whereas his country had succeeded in curbing most forms of organized crime, violence prompted by foreign rival parties still occurred. He called for steps to help the international community to cope with the present situation, such as harmonization of national laws and procedures; elaboration of and accession to international conventions; continuous close cooperation between States and law enforcement agencies; and adoption of preventive measures.

20. The President of Guinea-Bissau, Mr. Joao Bernardo Vieira, also addressed the World Ministerial Conference. He noted that organized transnational crime had exploited the substantial technical advances made in fields such as communications, in the free movement of persons and property in various parts of the world, and in the internationalization of the world's economies. He emphasized that there was a need to adopt mechanisms designed to eliminate the socio-economic and political causes of organized crime. He noted that there was also an urgent need to harmonize national legislation in the field of crime prevention and criminal justice.

D. Election of the President and other officers

21. At the 1st plenary meeting, on 21 November 1994, Mr. Silvio Berlusconi, Prime Minister of Italy, was elected President of the World Ministerial Conference. In his opening address, he recalled how Italy had won the battle against terrorism but was still fighting against organized crime. He also recalled the heroism of many who had fought against organized crime and invited the participants to remember the victims of organized transnational crime with a minute of silence.

22. The newly elected President of the World Ministerial Conference outlined areas for action by the international community in the fight against crime. He noted that it was absolutely necessary to harmonize substantial and procedural laws, norms and regulations among all States. In particular, measures for extradition and mutual legal assistance should be enhanced. It was also necessary to create an effective network for the exchange of relevant information to which all States would have access. He proposed the establishment of an international training centre for criminal justice personnel and police specializing in the fight against organized crime. Italy would be available to act as host to such a centre and to share the advanced investigating and prosecuting techniques that it had developed based on its long-standing experience in that area. As a first step towards the creation of such a centre, a task force composed of international experts should be formed. The task force would collect and evaluate current knowledge on the structure and operations of organized transnational crime, would analyse the impact of existing strategies to counter transnational organized crime and would report on

its findings before the end of 1995. He urged the participants to take full advantage of the presence of the international media to send a strong message to transnational criminal organizations. He added that a strong message should also be sent to all the citizens of the world that the international community would leave no stone unturned in its efforts to defeat such criminal organizations. He concluded with the following quotation: "The times press upon us and do not allow us to wait passively or in fearful mediocrity."

23. Also at the 1st meeting, the World Ministerial Conference elected by acclamation the following officers:

Vice-Presidents: Humberto de la Calle Lombana (Vice-President of Colombia)

Widozimierz Cimoszewicz (Deputy Prime Minister and Minister of Justice of Poland)

Rafael M. Alunan III (Secretary of the Interior and Local Government of the Philippines)

Rapporteur: Sadok Chaabane (Minister of Justice of Tunisia), who was replaced on the last day by Tom Butime (Minister of Justice of Uganda)

24. At the same meeting, the World Ministerial Conference decided to establish a Committee of the Whole and to entrust to Vice-President Humberto de la Calle Lombana the task of chairing the Committee.

E. Adoption of the agenda and organization of work

25. At its 1st meeting, on 21 November, the World Ministerial Conference adopted the following agenda:

1. Opening of the Conference.

2. Election of officers.

3. Adoption of the agenda and organization of work.

4. Problems and dangers posed by organized transnational crime in the various regions of the world.

5. National legislation and its adequacy to deal with the various forms of organized transnational crime; appropriate guidelines for legislative and other measures to be taken at the national level.

6. Most effective forms of international cooperation for the prevention and control of organized transnational crime at the investigative, prosecutorial and judicial levels.

7. Appropriate modalities and guidelines for the prevention and control of organized transnational crime at the regional and international levels.

8. The feasibility of elaborating international instruments, including conventions, against organized transnational crime.

9. Conclusions and recommendations of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach.

10. Conclusions and recommendations.

11. Adoption of the report.

26. The World Ministerial Conference also approved its organization of work as contained in document E/CONF.88/1.

F. Documentation

27. The documents before the World Ministerial Conference are listed in the annex to the present report.

III. GENERAL DEBATE

28. Prior to the opening of the general debate, the Director-General of the United Nations Office at Vienna made an introductory statement in which he emphasized that one of the tasks of the World Ministerial Conference was to recognize the rapid pace at which transnational organized crime had evolved, as well as the wide scope of its evolution. That pace contrasted sharply with the relatively slow pace of developments in the international criminal justice community, which had created difficulties in effective and coordinated counteraction. The profit motive would always be at the heart of organized crime. That explained why the global integration of domestic goods and capital markets, an otherwise positive development that had resulted from the liberalization of international trade, had led criminal activity to take on such a distinctly international scope.

29. Because controls on growing trade and communication had been unable to keep pace with organized criminal activities, there was an urgent need to elaborate an improved response by criminal justice authorities world wide. Laws must be developed by States according to common points of reference, whether they be formal international law or informally agreed principles. Anti-racketeering legislation could be an effective weapon. In addition, there was a need for the financial operations of international businesses to be more transparent and for such businesses to be more accountable for their actions. Moreover, it was necessary to develop swifter and more comprehensive procedures for the confiscation and forfeiture of the proceeds of crime and to make money-laundering more difficult and more costly. Those measures, however, needed to be guided by a clear and properly coordinated global strategy. While such a

strategy should be general in scope, there should also be regional agreements to support it.

30. The Director-General concluded by stating that the international community had shown its political will to tackle the problem of international drug trafficking by taking the milestone decision to adopt the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/CONF.82/15 and Corr.2) and by subsequently establishing the United Nations International Drug Control Programme in 1990. The United Nations crime prevention and criminal justice programme should be the instrument for achieving clear-cut, action-oriented and tangible results. He concluded that the World Ministerial Conference could ensure those results if it showed its political will, developed compatible global, regional and national strategies, and gave the programme the necessary impetus to obtain tools and resources proportionate to its expanded tasks, especially in the area of technical cooperation.

31. More than 80 statements were made by ministers and other participants during the debate in the plenary. A number of common themes emerged from the general debate on the problems and dangers posed by organized crime in the various regions of the world. There was agreement that the internationalization of organized crime was a menace to all societies. It was expanding at an alarming rate, with no sign of lessening. Since organized crime was evading national controls, decisive and urgent international action was needed to counter it. To that end, a new perspective was required in fighting transnational crime, especially in its organized, economic and environmental dimensions. If organized crime was not resisted in time, it would undermine political structures, endanger internal peace and social and economic development, and threaten not only newly emerging democracies, but also States with well-established democratic traditions. The access of organized criminal groups to vast financial resources enabled them to corrupt public officials, thereby detrimentally affecting the administration of countries and subverting the rule of law.

32. It was noted that the growth of transnational crime had been facilitated by the greater opportunities for both licit and illicit activities presented by modern means of transportation, advanced communications and relaxed border controls. In many countries where the economy was developing at a fast pace, the favourable conditions and ongoing changes were being exploited by organized criminal groups. Adequate restraints were lacking. Financial systems without sufficient monitoring and control mechanisms made it possible for funds from criminal operations to be transferred across national borders on a large scale and facilitated the investment of such funds in legitimate businesses. Whereas cooperation among countries was limited by differences in their legal systems and procedural requirements, organized criminal groups did not suffer from such limitations and were able to freely form alliances as lucrative opportunities arose, exploiting gaps in the laws and safe havens.

33. The growth of transnational crime was both qualitative and quantitative. Participants reported that relatively new forms of such crime had emerged, including the smuggling of art objects, arms, nuclear materials and hazardous wastes, as well as trafficking in endangered animal and plant species, loan-sharking and credit card crimes. At the same time, established forms of

organized criminality, such as drug trafficking, had continued unabated. International trafficking in persons, including minors and aliens, along with the related crimes of slavery, coerced labour and prostitution, was a profitable activity and its level of risk was relatively low compared with drug trafficking, an area in which law enforcement was better developed and penalties were more severe. The robbing of passengers on international trains was also regarded as an alarming form of criminality.

34. Many participants stated that the levels of organized crime had increased significantly in their countries and, in some cases, were continuing to rise at an extremely high rate. Countries in transition or countries establishing market economies were particularly affected: for example, authorities in one country had recently apprehended a large number of criminal groups, some of which had been developing into Mafia-like organizations. In other countries, in addition to substantial increases in the number of traditional crimes, such as robbery and murder, new forms of crime involving organized gangs previously unknown, with a high level of brutality, were appearing. Those forms of crime included revenge killing, kidnapping and terrorism, with increased use of firearms and explosives. Crimes such as counterfeiting or car theft had also increased at an exponential rate in recent years. The availability of modern printing equipment and techniques had made it easier to counterfeit personal identity cards and motor vehicle registration documents.

35. An increase in fraudulent financial transactions and in suspicious capital flows were side-effects of the economic liberalization taking place in many countries, since adequate regulations and controls had not always been implemented. In one country, for example, there had been an increase in fictional and fraudulent cross-border transporting and re-exporting of alcohol, tobacco products and electronic equipment. It was considered extremely important that the liberalization of economies, including privatization, should occur within a proper legal framework and should be accompanied by appropriate action in the judicial and law enforcement areas.

36. Some participants noted that it was necessary to take preventive action to counteract what they considered to be criminogenic economic and social factors, including measures to reduce unemployment and homelessness, which were especially prevalent in countries that were not economically stable, as well as other broader measures by the civil society, in particular the family, the schools and local institutions. One participant stressed that the war being waged in his country was clearly a special criminogenic factor contributing to the rising trend in organized transnational criminal activity, both within his country and in neighbouring countries. In addition to the atrocities of war crimes, organized crime had expanded to include arms trade, drug trafficking, the smuggling of endangered species, crimes against cultural heritage, the counterfeiting of currency, car theft, and the plundering of humanitarian aid. Despite the ongoing war and a heavy toll in the lives and health of many law enforcement officials, the struggle to limit the scope of organized crime continued.

37. Many participants commented on the linkages between different forms of criminality. For example, connections existed in many countries between terrorism and drug smuggling, as well as other activities such as the incitement

of racial hatred. Some extremist groups and terrorists used connections with organized criminal groups to fund their activities and to obtain arms and explosives. Criminal groups were thus better able to coordinate their efforts both within and across national borders, thereby opening opportunities for greater profits. While in some countries there had been some success in controlling organized transnational crime, other countries were increasingly experiencing illegal transit activities, which could be regarded as evidence of changes in the routes used by organized criminal groups. Linkages also existed between the intensive cultivation of crops for illicit drug production and severe environmental damage. The large quantities of chemical products that were being used were destroying the natural habitat of many varieties of animals and plants, leading to the disruption of local weather conditions and to the ultimate desertification of vast areas of previously fertile land. It was emphasized that the international community, through appropriate counteraction, should break that circle of interrelated criminal activities at the earliest possible opportunity.

38. The question of defining organized crime was also discussed. A number of participants noted that their national legislation contained definitions of organized crime, referring to certain key characteristics of such crime. The importance of arriving at a common definition was stressed, given the differences in national legal systems and the need to properly identify effective countermeasures. Since organized crime followed many patterns, operated at the national, regional and international levels and was engaged in many different activities that changed according to the opportunities available, a clear common definition of organized crime had so far proved difficult to agree on. In some areas, criminal groups were tightly organized, based on hierarchical structures, with strong cultural traditions. In others, criminal groups tended to be more loosely organized, and relatively unstructured, having no particular cultural traditions, they made and broke alliances with other groups and individuals as circumstances dictated. It was noted however, that efforts to define organized crime should not become an overly academic exercise that would delay the implementation of effective countermeasures.

39. Participants highlighted elements of their national legislation and its adequacy in dealing with the various forms of organized transnational crime. Having a broad range of national measures was seen as a necessary foundation for effectively countering such criminality, providing the basis for practical international cooperation against it. It was important to identify and implement effective measures quickly and efficiently, especially since, in the past, criminal justice systems had tended to be too slow in responding to the initiatives of criminal groups. It was recommended that each country should improve its own legislation, in the light of the prevailing situation and taking advantage of the relevant international instruments and experiences. Efforts should be made to harmonize national legislation and practical action. Countries were encouraged to exchange information on new laws that had been enacted and effective measures that had been taken or to set up a clearing-house that would make available comparative information. A number of participants commended the efforts of the host country to share such information with others and to demonstrate pioneering legal solutions that were adaptable to different legal systems, such as administrative orders to stop alleged criminal activities.

40. Participants identified a number of specific ways to ensure the effectiveness of national legislation. Those included examining laws on criminal association; adapting investigative and operational procedures to new forms of criminality; developing schemes for collecting evidence; making money-laundering a criminal offence; and investigating, freezing and confiscating the proceeds of crime. It was stressed that the willingness of witnesses to cooperate with the police and to give evidence should be enhanced, for example by making available effective witness protection schemes, providing for plea bargaining, where appropriate, and by introducing the concept of vicarious liability. The reach of criminal law could be extended; for example, the introduction of criminal liability for corporate persons was considered by some participants to be an effective way of ensuring greater accountability on the part of companies and of countering criminal activities undertaken under the mask of a company structure. Behaviour such as preparing to commit a crime linked to a criminal group could also be made a criminal offence. Several participants reported that "banditry" had been made an offence in their countries in order to punish more seriously those criminal acts committed by organized groups. Some participants emphasized the importance of having penalties for offenders which were commensurate with the seriousness of their crimes and of establishing mechanisms offering more effective support for victims of organized crime.

41. Other participants stressed the importance of targeting criminal gangs as a whole, together with their leaders and profits, and not only to "wage a war of attrition" against members of their lower ranks. Most criminal groups derived their power and security by controlling a particular territory and activity, where they competed with legitimate government by imposing their own illegal taxation and corrupt justice. Improved national capabilities to deal with that problem had to be the basis of counter-strategies guided by the tenet that the boss of an organized criminal group was always close to the funds of the group.

42. Representatives of non-governmental organizations informed the World Ministerial Conference of facilities for assisting victims of organized crime, including compensation and counselling, which were especially useful in cases when conflicts involving national jurisdictions or lack of means would otherwise make rendering such assistance difficult. They made reference to the possible establishment of an international fund for victims of organized transnational crime, as recommended by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990. The World Ministerial Conference also heard about more recent initiatives on non-violent resistance against organized crime, on restitution and on the rehabilitation of criminals. Those initiatives included, at the local police level, the provision of information and a variety of other preventive measures targeting organized crime.

43. As for control of the proceeds of crime, many participants expressed their approval of the conclusions and recommendations of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime, held at Courmayeur, Italy, and the recommendations of the Financial Action Task Force established by the heads of State or Government of the Group of Seven major industrialized countries and the President of the Commission of the European Community. It was important that all countries should ratify the

United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 (E/CONF.82/15 and Corr.2) as soon as possible, and to enact the necessary legislation to implement it. The provisions of the 1988 Convention relating to the proceeds of drug-related crime could be extended to other forms of serious criminality, thereby increasing transparency in financial systems. Some participants stated that some progress had been made in their countries in controlling organized transnational crime, particularly by enacting laws providing for the forfeiture and seizure of illegal financial assets, by making money-laundering a criminal offence, by introducing more flexible and effective legal measures that provided for the use of controlled delivery in drug control operations and by relaxing bank secrecy laws. There was agreement that the successful control of organized transnational crime must focus on taking away the economic power base of criminal organizations. As for the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, a number of participants mentioned that in their countries the provisions against laundering the proceeds of drug-related crime had been extended to cover all proceeds of organized crime. Some banks had also significantly contributed to curbing money-laundering, by using private agreements to ensure that customers could be identified and by reporting suspicious transactions to the relevant prosecuting authorities.

44. It was stated that criminal justice institutions should be strengthened to better meet the challenges of organized transnational crime. National authorities had to be provided with adequate resources to effectively undertake their appointed tasks. It was suggested that States should consider the establishment of specialized units or agencies to investigate and prosecute organized crime, in its various forms, a practice that had already been introduced in several States. Further consideration should be given to measures that could be applied within law enforcement agencies to avoid the possibility of criminal groups corrupting officials. The judicial system should be reviewed to ensure that it had the capacity to deal with the high degree of complexity present in many cases involving organized crime, such as unravelling complicated financial fraud and money-laundering operations where funds were channelled through a number of countries and institutions.

45. It was recommended that the private sector should be involved in law reform to counter organized transnational crime, by defining the activities affected by that form of criminality and by assisting it in the development of innovative strategies. Corporations in the financial sector and telecommunications companies were examples of private entities whose involvement in that process could prove useful.

46. It was noted that the reform of national measures should be considered not only in the light of their effectiveness, but also from various perspectives, taking into account the prevalence of organized crime and the damage it was causing to society, the necessity for such reforms, the effectiveness of other measures already in place, and the consistency of any proposed changes with international standards and norms. The cultural and social conditions of each country should also be borne in mind. All measures taken had to ensure the protection of human rights, due process and the rule of law. Several participants stressed the need to have a thorough understanding of the underlying factors, structures and types of organized crime. Decisions on law

reform and practical action needed to be based on thorough scientific research and data analysis.

47. In identifying the most effective forms of international cooperation for the prevention and control of organized transnational crime, many participants were of the view that mutual assistance in criminal matters, extradition, and cooperative measures to prevent and control the proceeds of crime, provided effective modalities or were, in fact, fundamental to success. States should have a network of bilateral and multilateral agreements concerning such matters, the goal of which should be to ensure that no country was a safe haven for organized crime and its profits. The United Nations model treaties on mutual assistance in criminal matters, extradition and transfer of criminal proceedings provided valuable guidance to States wishing to conclude their own treaties in those areas, whether on a bilateral, regional or global basis, and to States seeking precedents at the international level.

48. A number of participants recommended that efforts should continue to be made to promote the United Nations model treaties, thereby facilitating greater international cooperation in efforts to fight crime. The United Nations model treaties helped to bridge the gap between different legal systems, in addition to providing a framework for States that lacked experience in negotiating such treaties. The provision of manuals on the implementation of extradition and mutual assistance, together with the availability of information on national legislation and practices, would be useful, whether undertaken bilaterally, regionally, through the technical assistance and clearing-house capabilities of the United Nations, or through other relevant international organizations. While in some countries, in view of the importance of mutual assistance in criminal matters, wide-ranging assistance was provided wherever possible, without requiring a treaty, reciprocity or dual criminality, requirements in other countries varied. There were also impediments to extradition which needed to be resolved, such as non-extradition of nationals. Progress towards the incorporation of fair and democratic principles in all criminal justice systems would reduce the number of refusals to requests for extradition.

49. A number of regional initiatives had been taken to counter organized transnational crime, including regional conventions and treaties, such as the Strasbourg convention on money laundering, which was open to parties from outside the region; the European Convention on Extradition of 1957; and the Convention on Mutual Assistance in Criminal Matters, adopted by the Economic Community of West African States.

50. Joint law enforcement operations could also be undertaken on a regional basis or between countries in different regions, and a number of participants reported that their countries had achieved considerable success against organized transnational crime by using that approach. Such joint task forces could involve the police, prosecutors and other officials, such as customs officers from the relevant countries, and could focus on particular cases, or types of crime, such as illegal trafficking operations. In a number of countries, legislation could be introduced to permit the sharing of any confiscated proceeds of crime among the Governments concerned; in others this was not possible.

51. One regional organization had established an ad hoc working group on the confiscation of proceeds of crime; a number of law enforcement authorities in the working group had been given the task of developing new ways to combat organized transnational crime. One country established a secretariat to coordinate the implementation of measures to control the use of the proceeds of crime, to be funded by assets confiscated from criminal organizations. Cooperation should be encouraged between different geographical areas within the same country, particularly in large countries with separately administered states or provinces; as well as between different state agencies with law enforcement functions, such as the police, judiciary, customs, taxation and immigration authorities. A number of participants mentioned that plans were being made to establish in their countries international, regional or subregional training centres or forums for strategic planning for law enforcement agencies and members of the judiciary. The training centres or forums would deal with organized crime or some of its specific forms, such as terrorism. It was stressed that such efforts should be combined and coordinated and, where possible, carried out in close cooperation with the United Nations and other appropriate international bodies.

52. The exchange of intelligence and other information was considered by a number of participants as being crucial to effective international cooperation. Governments could assign liaison officers to countries to promote the exchange of operational and more general information on activities of criminal groups. Central authorities should be established to deal with requests for mutual assistance and extradition as expeditiously as possible, and to facilitate the exchange of information concerning the requirements for investigation and prosecution in their respective jurisdictions, such as evidentiary requirements and formalities. Information could also be exchanged concerning national legislation and experiences in combating crime. The idea of establishing an international early warning system on organized crime was put forward. Such a system should provide data analyses of the most recent trends and developments and could be linked to entities such as the United Nations Criminal Justice Information Network or the International Criminal Police Organization.

53. A number of participants underlined the importance of technical cooperation between States. States with more developed crime prevention and criminal justice systems should cooperate with States requesting such assistance, whether bilaterally or coordinated by the United Nations. Such assistance could take the form of training police and prosecutors, preparing draft legislation or providing equipment and training for information management. The proposal of the Italian Government to establish a special interregional police training centre, to provide investigators and judges with the specialized skills and expertise necessary to deal effectively with organized transnational crime was welcomed as a viable initiative that deserved support.

54. Participants agreed on the need for international cooperation to be practical and effective. A common theme was the need for concrete action aimed at the harmonization of criminal justice laws and practices, and at increased collaboration between countries, both in terms of the exchange of information and experiences, and in respect of the investigation and prosecution of concrete criminal cases. By way of further promoting practical international cooperation, one participant proposed a study on measures for preventing

transnational illicit trafficking in firearms, methods to control firearms inside each country, and the promotion of international cooperation in this matter. Another delegation suggested the need for a study on the methods to prevent the international traffic in minors.

55. A range of views were expressed concerning the feasibility of elaborating an international convention against organized transnational crime. One participant stated that Governments should first concentrate on elaborating guidelines designed to offer options acceptable to all States, which could be a starting point to make the system of each country as similar as possible on a step-by-step basis. Some participants emphasized the importance of having realistic goals and objectives, achievable within the available resources. That would require the setting of priorities and a strict assessment of the relative merits of all proposals. The usefulness of such a convention should be balanced against the resources required to elaborate and administer it. Some participants counselled caution, noting that the United Nations should not take on additional tasks, unless it had the resources to fulfil them. There should be a consensus among the members of the international community on what action was necessary to combat organized transnational crime and on whether any measures were required other than those already taken at the national level. The modalities and related standards and norms that were already available to Member States, such as the United Nations model treaties, should be fully applied before further initiatives were taken. It was also noted that not all States had ratified the 1988 Convention and that, that being the case, it might be premature to elaborate another similar convention. The likely difficulties involved in agreeing on a convention, given the differences in the legal systems and practices in various countries, should also be considered.

56. Other participants supported the proposal for a convention on organized transnational crime, contending that it would not be premature to undertake such a task. They stressed that it was necessary to begin elaborating the convention as soon as possible, given the work involved and the exponential growth of organized transnational crime. Innovative measures were required to counter the threat of criminality. To delay facing up to difficult issues would only benefit organized transnational criminal groups. It was noted that when the 1988 Convention was being elaborated, some of the measures appeared novel to many States, such as those relating to money-laundering; however, those measures had since become widely accepted. Some delegations felt that a convention against organized transnational crime would have a similar effect. Therefore, the 1988 Convention should indeed serve as a useful model for the development of a new instrument. That would provide an urgently needed framework for cooperation involving all States, whether developing or developed.

57. It was suggested that the Commission on Crime Prevention and Criminal Justice should consider the elaboration of such an instrument and that the Commission, at its fourth session, might want to consider assigning that task to a group of experts. It was also suggested that such a convention could, among other things, make participation in Mafia-like organizations a criminal offence; make engagement in preparatory acts linked to organized crime a criminal offence; make individuals criminally liable for the action of their group; provide for special investigation powers; and include measures for the protection of witnesses. Special provision could also be made to strengthen

regional arrangements. Any measures in such a convention should be consistent with national constitutions and the due observance of human rights. The United Nations crime prevention and criminal justice programme should be the focus of endeavours and strategies connected with any convention against organized transnational crime.

58. Many participants stressed the importance of regional arrangements, which could either stand alone or be integrated into other multilateral instruments or schemes.

59. Numerous participants stressed in their statements that the lack of qualified personnel in national law enforcement agencies or criminal justice systems and the lack of appropriate organizational structures and equipment posed serious obstacles to efforts in their countries to reduce the impact of organized crime. Technical assistance was a crucial factor in winning control of the situation. Countries required bilateral and multilateral support. The United Nations was instrumental in the coordination and delivery of technical assistance of various kinds, ranging from the provision of the organization of workshops, the provision of experts and equipment, and the development of reference materials to the provision of assistance in law reform and advisory services.

60. There was general agreement that the limitation of funds necessitated careful planning and coordination of efforts to make the best use of the available resources. A number of participants underlined the need for States to concentrate their efforts on the activities foreseen in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. That included the proper resourcing of the entities requested to carry out the relevant recommendations, including sufficient funding of activities to be carried out by the United Nations.

61. A number of participants expressed their support for the United Nations crime prevention and criminal justice programme, under the guidance of the Commission on Crime Prevention and Criminal Justice, and supported the inclusion of organized transnational crime as a priority theme for the programme. It was important to coordinate the efforts of the programme with those of other institutions and Member States. The cooperation between the programme and the United Nations International Drug Control Programme was also underlined.

62. The United Nations crime prevention and criminal justice programme had an important international role to play, in spite of its very limited resources. The programme served a useful function in assisting States in identifying problems related to crime prevention and criminal justice, helping them to meet their individual needs. Furthermore, the United Nations was the appropriate forum for sharing national and regional experiences, facilitating international cooperation, and assisting Member States in identifying weak points in the global crime prevention and criminal justice system, such as safe havens for criminals and the proceeds of crime. The United Nations could best provide assistance where there was a clear need for it, as in the coordination and provision of technical assistance to developing countries and countries in transition.

63. While some participants felt that the United Nations crime prevention and criminal justice programme should operate within its existing resources, which might require a further prioritization of tasks, others stressed that the programme should be more responsive to the needs of Member States and should be better equipped to do so. It was, therefore, urged that the Crime Prevention and Criminal Justice Branch should be strengthened by giving it the additional authority and the funds necessary to render it truly operational. The Commission on Crime Prevention and Criminal Justice should continue to analyse the progress made towards meeting the goals set out for the programme and should assess its future requirements. Important future work could include the preparation of a report to the General Assembly detailing specific steps to be taken, at the national, bilateral and multilateral levels, in the fight against organized transnational crime, as well as setting up a clearing-house of information on national legislation and practices.

IV. ACTION TAKEN BY THE WORLD MINISTERIAL CONFERENCE

A. Naples Political Declaration and Global Action Plan against Organized Transnational Crime

64. At its 5th meeting, on 23 November, the Chairman of the Committee of the Whole reported to the Plenary on the results of the work of the Committee of the Whole, highlighting the main thrust of the recommendations, as contained in document E/CONF.88/L.4. In his introductory statement, he informed the Ministerial Conference of the outcome of the consultations held in the Committee on the draft resolution entitled "Naples Political Declaration and Global Action Plan against Organized Transnational Crime" (E/CONF.88/L.1), as well as the working proposal by the Government of Argentina for the promotion of a world convention on organized transnational crime, contained in documents E/CONF.88/L.2 and Add.1. The Chairman of the Committee of the Whole stated that, in view of the amendment introduced in paragraph 34 of the annex to the draft resolution, the delegation of Argentina had withdrawn its proposals contained in documents E/CONF.88/L.2 and Add.1.

65. The Secretary of the World Ministerial Conference read out additional amendments to the Political Declaration and Global Action Plan.

66. At the same meeting, the World Ministerial Conference adopted the draft resolution by acclamation (see chap. I, sect. A, draft resolution). One delegation, while pleased with the consensus reached, expressed dissatisfaction with the lack of strong emphasis on terrorism as a form of organized crime.

B. Establishment of an international task force

67. At the 5th meeting, the World Ministerial Conference had before it a draft resolution (E/CONF.88/L.5) entitled "Establishment of an international task force", submitted by Italy, as approved by the Committee of the Whole.

68. At the same meeting, the World Ministerial Conference adopted the draft resolution by acclamation (see chap. I, sect. B, resolution).

V. ADOPTION OF THE REPORT OF THE WORLD MINISTERIAL CONFERENCE

69. At its 6th meeting, on 23 November, the World Ministerial Conference on Organized Transnational Crime adopted the report of its meeting (E/CONF.88/L.3 and Add.1).

VI. CLOSURE OF THE WORLD MINISTERIAL CONFERENCE

70. After the adoption of the report, statements were made by the representatives of the following countries: South Africa on behalf of the African Group, Philippines on behalf of the Asian Group, Germany on behalf of the European Union and Argentina on behalf of the Latin American and Caribbean Group. The representatives of the regional groups expressed their gratitude to the Italian Government for taking the lead in organizing the Conference and for the generous hospitality extended to all participants. They also expressed their satisfaction with the productive results of the Conference, which was a milestone: it reflected the resolve of States to forge a common front against organized transnational crime. The consensus reached reflected the commonality of purpose and the initiatives taken should significantly advance joint action against organized criminality, which undermined national development, economic stability, social peace and public safety. The task was now to translate the declared political will into concrete reality.

71. In his concluding remarks, the Director-General of the United Nations Office at Vienna stressed that the attendance and the high level of delegations had clearly spelt out the vital importance accorded by the international community to the issue of organized transnational crime. Among other things, valuable guidance had been provided to both States and the United Nations as to how to proceed against this form of criminality. While no one could have expected better results, there was no reason to be complacent since much remained to be done. The United Nations was strongly committed to further mobilize the efforts of States for the implementation of the recommendations of the Conference.

72. Closing the Conference, the President, Silvio Berlusconi, Prime Minister of Italy, stated that the war against organized transnational crime was not one for States to fight on their own. Only by forming a "multinational force" could States combat the forces of evil. The emergence of a common concept of organized transnational crime was a very important step forward for the international resolve to fight it. He emphasized that the Conference had shown that the United Nations represented the natural habitat to conduct this fight. The success of the United Nations crime prevention and criminal justice programme depended on the continued commitment of States after the Conference, particularly since it had succeeded in sending a strong message around the world, also carried by the international media. It would make citizens aware that they were not alone, and that Governments would act to guarantee their liberty, dignity and security.

Appendix

LIST OF DOCUMENTS BEFORE THE WORLD MINISTERIAL CONFERENCE ON ORGANIZED TRANSNATIONAL CRIME

Document number	Agenda item	Title or description
E/CONF.88/1	3 (a), (b)	Provisional annotated agenda and proposed organization of work
E/CONF.88/2	4	Problems and dangers posed by organized transnational crime in the various regions of the world
E/CONF.88/3	5	National legislation and its adequacy to deal with the various forms of organized transnational crime; appropriate guidelines for legislative and other measures to be taken at the national level
E/CONF.88/4	6	Most effective forms of international cooperation for the prevention and control of organized transnational crime at the investigative, prosecutorial and judicial levels
E/CONF.88/5	7	Appropriate modalities and guidelines for the prevention and control of organized transnational crime at the regional and international levels
E/CONF.88/6	8	The feasibility of elaborating international instruments, including conventions, against organized transnational crime
E/CONF.88/7	9	Conclusions and recommendations of the International Conference on Preventing and Controlling Money Laundering and the Use of the Proceeds of Crime: a Global Approach
E/CONF.88/L.1	10	Conclusions and recommendations
		Note verbale of the Permanent Representative of Italy of 31 October 1994 to the United Nations Office at Vienna

Document number	Agenda item	Title or description
E/CONF.88/L.2	8, 10	Feasibility of elaborating international instruments, including conventions, against organized transnational crime
		Note of the Office of the President of the Argentine Republic, Department of Programmes for the Prevention of Drug Addiction and Measures to Combat Drug Trafficking, of 26 October 1994. Signed by E. Alberto Lestelle, Secretary of State, addressed to the United Nations Office at Vienna
E/CONF.88/L.2/Add.1	8, 10	Feasibility of elaborating international instruments, including conventions, against organized transnational crime
		Communication received from the delegation of the Argentine Republic
E/CONF.88/L.3	11	Draft report of the World Ministerial Conference
E/CONF.88/L.3/Add.1	11	Draft report of the World Ministerial Conference
E/CONF.88/L.4	10	Report of the Committee of the Whole
		Draft resolution
		Naples Political Declaration and Global Action Plan against Organized Transnational Crime
E/CONF.88/L.5	10	Draft resolution on establishment of an international task force submitted by Italy
E/CONF.88/INF/1		Information for participants
E/CONF.88/INF/2/Rev.1		List of participants